

MINUTES OF THE CANANDAIGUA CITY  
COUNCIL MEETING  
THURSDAY, JUNE 4, 7:00 P.M.  
City Council Chambers  
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:**

Councilmember Ward 1 Nick Cutri  
Councilmember Ward 2 Ian Boni  
Councilmember Ward 3 Karen White  
Councilmember-at-Large Donna Cator  
Councilmember-at-Large James Terwilliger  
Mayor Ellen Polimeni

**Members Absent:**

Councilmember Ward 4 Cindy Wade (Arrived 7:05 PM)  
Councilmember-at-Large Maria Bucci (Arrived 7:15 PM)  
Councilmember-at-Large David Whitcomb (Arrived 7:12 PM)

**Also Present:**

City Manager David R. Forrest  
Corporation Counsel Michele O. Smith  
City Clerk-Treasurer Nancy C. Abdallah  
Assistant City Manager John D. Goodwin

**Review Core Values:** Councilmember-at-Large Terwilliger read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

**Approval of Minutes:** Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of May 7, 2015. Councilmember-at-Large Bucci seconded the motion.

*Vote Result: Carried unanimously by voice vote. (6-0)*

**Proclamation:** Mayor Polimeni read the following proclamation in honor of Small Cities week June 7-13:

**Proclamation Declaring  
June 7-13, 2015  
Small Cities Week in Canandaigua, New York**

**Whereas,** of the nearly 20,000 municipal governments in America, 94 percent have populations less than 25,000 and 87 percent have populations less than 10,000, and

**Whereas,** the federal government is an essential partner in the success of small cities and towns, and must be encouraged to continue to support programs and legislation that strengthen small communities; and

**Whereas** state governments are partners in the success of small cities and towns, and must be encouraged to continue to support key programs and legislation that strengthen communities; and

**Whereas** organizations, businesses, and citizens are partners in the success of small cities and towns, and must be encouraged to continue to grow their efforts to make small communities a viable choice for people to live in; and

**Whereas.** Canandaigua is a small city which strives to continue to provide services which address safety, security and community atmosphere,

**Now therefore,** I, Ellen Polimeni, Mayor of the city of Canandaigua, does hereby proclaim June 7 – 13, 2013, as Small Cities Week, and encourages President Obama, Congress, state governments, organizations, businesses, and all citizens to recognize this event, and to work together throughout the year to invest in small cities and towns to better the lives of all citizens.

**Recognition of Guests:**

- Mary Mansfield, Regional Transportation Services (RTS) Regional Manager updated the council on the status of the bus service since the merger of the County Area Transit System (CATS) with RTS in August 2014. She also spoke about the services offered by RTS in Ontario County as well as their long term goals. The public can find more information about the services available at the website: MyRTS.com or by calling (585) 394-2250.
- Nicole Mahoney, Break the Ice Media, updated the Council on the Fourth of July festivities. This year's parade theme is "The Chosen Spot" and will start at 10 AM followed by a community picnic at Kershaw Park.
- Nicole Mahoney, Break the Ice Media, spoke about the Business Improvement District "BID" Downtown Art and Music Festival which will be held July 17-19, 2015. There is a new item called "Community Causeway" which is open to non-profits to display and fundraise. They are still taking applications from non-profits for this event.
- Denise Chaapel, BID President, spoke to the Council on the amenities that have been put in place downtown. Twenty two (22) benches have been placed on Main Street as well as new banners. The banners display the new City logo and includes one of the following - "SHOP", "DINE" or EXPLORE". She also spoke about upcoming events held downtown.

**Committee Reports:**

**Environmental:** Councilmember Ward 1 Cutri reported that the Environmental Committee met on May 12<sup>th</sup> and discussed the following.

***SEE COMMITTEE NOTES - APPENDIX A***

1. Special Event: Car Show in Niagara Street Parking Lot
2. Lawn Care Discussion
  - a. Russ Welser, Cornell Cooperative Extension

- b. Don Prem, Tru Green
- c. Dave Booth, Perennial Lawn and Landscape
- d. Carl Haefner, Maplewood Garden Crafters
3. City Hall Space Allocation Study – HBT Architects
4. Sonnenberg Park Skating Rink – Condition Report
5. Kershaw Park Trash Disposal

**Planned Unit Development** Mayor Polimeni reported that the Planned Unit Development Committee met on May 21<sup>st</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX B***

1. Northshore Development: Review of Building A Proposed Use

**Ordinance:** Councilmember-at-Large Whitcomb reported that the Ordinance Committee met on May 19<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX C***

1. City Pier: Request for Text Amendment to Zoning Ordinance
2. Chamber, ZBA and Planning Commission Perspective on City Zoning Ordinance
3. Revised PUD Ordinance
4. Potential North Pearl and West Gibson Street Crossing Guard Station
5. Revised Gibson Street Ordinance

**Finance:** Councilmember-at-Large Terwilliger reported that the Ordinance Committee met on May 28<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX D***

1. Tower 281 Cable Replacement
2. 2015 Street and Sidewalk Maintenance and Repairs
3. Extended-Hour Pier Parking Permits
4. CMA Small Cell Tower Proposal
5. Fund Balance Report
6. Overtime Report

**Planning:** Councilmember Ward 4 Wade reported that the Planning Committee met on June 2<sup>nd</sup> and called a meeting of the whole and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX E***

1. Downtown Banners and Other Amenities
2. Canandaigua Area Soccer League – Special Event

**Resolutions:**

**Resolution #2015-038:** (Tabled)

**A RESOLUTION OF THE CANANDAIGUA CITY COUNCIL ISSUING FINAL SITE PLAN  
APPROVAL FOR THE PROPOSED COTTAGES AT CANANDAIGUA RESIDENTIAL  
COMMUNITY,  
PLANNED UNIT DEVELOPMENT**

**Resolution #2015-052:**

Moved: Councilmember Ward 3 White  
Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AUTHORIZING A SPECIAL EVENT  
*Green Front Car Show***

**WHEREAS**, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- ***Green Front Car Show***

Date: September 27, 2015

Location: Niagara Street and Niagara Street Parking Lot

Coordinator: Bob Johnson

Time: 11 a.m. – 5 p.m.

Purpose: Car Show

Expected Number of Participants: 50+

**WHEREAS**, this request was reviewed and approved at the May 12, 2015 Environmental Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special event, in accordance with the submitted application, at the time and location listed, under the following conditions:

- 1) that the event area will be enclosed by applicant with fencing around the perimeter and movable barricades in the street, but that no poles or stakes will be driven into the pavement or sidewalk; and

- 2) that applicant will be responsible for verifying the age of those to be served alcohol and identify those 21 years of age and over with visible wrist bands; and
- 3) that applicant will provide final detailed map showing location of entrances into the event area; and
- 4) that applicant will name the City of Canandaigua as additional insured and provide a certificate to the City for general and liquor liability of at least two million each, at least 1 month prior to the event; and
- 5) that applicant must obtain appropriate liquor license from New York State;
- 6) that the applicant will notify businesses and residents south of Niagara Street and provide written copy of such notice to the City; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special events at the time and locations listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that if the event coordinator intends to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 3) that the event coordinator will ensure that all tents, if any, that are required to be inspected will be inspected prior to the start of the special event; and
- 4) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

**BE IT FURTHER RESOLVED** that the organizers of the Special Events shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

*The motion CARRIED UNANIMOUSLY on the following vote:*

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None.*

**Resolution #2015-053:**

Moved: Councilmember-at-Large Bucci

Seconded: Councilmember-at-Large Cator

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON  
AMENDMENTS TO THE ZONING ORDINANCE**

**WHEREAS**, Section 850-8 of the City of Canandaigua Municipal Code requires a public hearing on an amendment to the City's Zoning Ordinance, Chapter 850;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing regarding the proposed zoning amendments to the list of permitted uses for boathouses adjacent to the City Pier, and for amendments to the Planned Unit Development approval

process, be held during the City Council Meeting held at 7:00 p.m. on July 2, 2015 in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York; and

**BE IT FURTHER RESOLVED** that the City Clerk shall cause notice to be given and published as required by law; and

**BE IT FURTHER RESOLVED** that the Zoning Officer shall cause a copy of the proposed Ordinance #2015-003 and Ordinance #2014-004 to be forwarded to the Ontario County Planning Commission in accordance with General Municipal Law Section 239-M and with the City Planning Commission in accordance with City Code Section 850-8(B).

*Vote Result: Carried unanimously by voice vote. (9-0)*

**Resolution #2015-054:**

Moved: Councilmember Ward 2 Boni

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING THE SALE OF PARKING PERMITS TO  
ALLOW VEHICLES TO PARK  
ON THE CITY PIER FROM 9PM TO 11PM IN 2015**

WHEREAS, the City has been asked by a group of residents to allow parking on the City Pier between the hours of 9pm and 11pm, when vehicles are otherwise prohibited to park; and

WHEREAS, the Finance Committee of the City Council, at its meeting of May 28, 2015, reviewed proposed parking regulations applicable to this request and agreed to allow such parking for 2015 on a trial basis;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that effective immediately the City Clerk/Treasurer's Office shall be authorized to sell City Pier Parking Permits for 2015 for the fee as set by Fee Resolution of the City Council; and

BE IT FURTHER RESOLVED that such permit shall only authorize additional parking between the hours of 9pm and 11pm for the calendar year 2015, and grant no other parking rights to the permit holder; and

BE IT FURTHER RESOLVED that the City Clerk/Treasurer shall provide a complete list of all applicable regulations to each permit holder.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Resolution #2015-055:**

Moved: Councilmember-at-Large Whitcomb  
Seconded: Councilmember-at-Large Cator

**A RESOLUTION OF THE CANANDAIGUA CITY COUNCIL AUTHORIZING A USE FOR  
PHASE I OF THE NORTH SHORE PROJECT  
IN THE LAKEFRONT REDEVELOPMENT PLANNED UNIT DEVELOPMENT**

**WHEREAS**, On October 2, 2014, by Resolution #2014-076, the City Council adopted an amended final site plan of the proposed Phase I - North Shore Project, which continued all prior conditions of approval; and

**WHEREAS**, On April 3, 2014, by Resolution #2014-035, the City Council adopted the final site plan of the proposed Phase I - North Shore Project, which continued all prior conditions of approval; and

**WHEREAS**, On December 19, 2013, by Resolution #2013-095, the City Council adopted the preliminary site plan for the proposed Phase I - North Shore Project and issued a written statement with conditions, which included City Council review and approval of the proposed commercial uses; and

**WHEREAS**, the Developer has requested authorization for Building A of the final site plan to be used for a restaurant/micro-brewery and has addressed the City Council's questions relative to traffic, parking, solid waste disposal, lighting, and hours of operation; and

**WHEREAS**, the proposed use was reviewed and approved by the Planned Unit Development Committee on May 21, 2015;

**NOW, THEREFORE BE IT RESOLVED**, that the Canandaigua City Council approves the use of Building A in Phase I of the final site plan for restaurant/eating and drinking establishments, as well as the minor site plan amendments indicated on Drawing No. C103 with a revision date of 5/11/15, and the minor architectural changes discussed at the Planned Unit Development Meeting on May 21, 2015 and set forth in the renderings dated May 15, 2015.

This Resolution shall take effect immediately upon adoption.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Resolution #2015-056:**

Moved: Councilmember Ward 4 Wade  
Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING ADDITIONAL WORK TO THE 2006  
SPARTAN/ROSENBAUER AERIAL APPARATUS**

**WHEREAS**, Resolution #2015-044 authorized the City Manager to execute a contract with Colden Enterprises of 750 Ontario Street, Kenmore, NY 14217 for a not-to-exceed fee of \$74,731.77 for the refurbishment of the 2006 Spartan/Rosenbauer aerial apparatus; and

**WHEREAS**, on Monday, May 18, 2015, while performing preventative maintenance of the aerial apparatus it was discovered that two cables were unraveling, which, if uncorrected, will result in operational and safety issues; and

**WHEREAS**, replacement of the cables will cost \$4,041.74 as quoted by Colden Enterprises; and

**WHEREAS**, the City Manager and the Fire Chief recommend a change order with Colden Enterprises be executed for this additional work; and

**WHEREAS**, the City Manager recommends that the cost of this additional work, \$4,041.74, be funded through an interfund transfer from the capital reserve fund;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby authorizes the City Manager to execute a change order with Colden Enterprises of 750 Ontario Street, Kenmore, NY 14217 for a not-to-exceed fee of \$4,041.74; and further authorizes that the change order be funded through an interfund transfer from the capital reserve fund.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Resolution #2015-057:**

Moved: Councilmember-at-Large Cator

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AWARDING AN ARCHITECTURAL SERVICES CONTRACT**

**WHEREAS**, the existing Hurley Building, which houses the Department of Public Works, has been assessed and found to be in need of substantial upgrades to address its building systems and space utilization; and

**WHEREAS**, the City of Canandaigua has developed a space utilization plan that addresses both the Hurley Building and City Hall in a comprehensive plan; and

**WHEREAS**, the comprehensive space utilization plan calls for the addition of a new City Council meeting room to the Hurley Building and multiple other additions, upgrades and renovations to the Hurley Building and site; and



**WHEREAS**, the development of final engineering and architectural designs for this plan is an extension of the architectural design development of the project completed by hbt Architects in May 2015, and

**WHEREAS**, funding for these architectural services was included in the adopted 2015 City of Canandaigua general fund capital budget; and

**WHEREAS**, hbt Architects has submitted an acceptable proposal to provide architectural construction documents for a fee of \$68,200 and bidding assistance for a fee of \$6,500; and

**WHEREAS**, the City Manager and the Director of Public Works recommend a contract be awarded to hbt Architects for architectural services to complete the architectural construction documents for the renovation of the Hurley Building;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to execute a contract with hbt architects, 16 South Main Street, Pittsford, NY 14534 to complete the architectural services described in this resolution for a fee not-to-exceed \$74,700.

**Resolution #2015-058:**

Moved: Councilmember-at-Large Terwilliger  
Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AUTHORIZING A SPECIAL EVENT**  
***Rec Soccer Kickoff/Veteran's Event***

**WHEREAS**, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- ***Rec Soccer Kickoff/Veteran's Event***

Date: June 15, 2015

Location: Baker Park

Coordinator: Canandaigua Area Soccer League (CASL)

Time: 5 p.m. – 8 p.m.

Purpose: Honor Local Veterans and Sell Soccer Items

Expected Number of Participants: 60+

**WHEREAS**, this request was reviewed and approved at the June 2, 2015 Planning Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special event, in accordance with the submitted application, at the time and location listed, under the following conditions:

1) that no fee or admission shall be charged to the general public for admission to the special event; and

- 2) that if the event coordinator intends to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 3) that the event coordinator will ensure that all tents, if any, that are required to be inspected will be inspected prior to the start of the special event; and
- 4) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

**BE IT FURTHER RESOLVED** that the organizers of the Special Events shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

*The motion CARRIED UNANIMOUSLY on the following vote:*

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Ordinance:**

**Ordinance #2014-012:** *(Introduced and tabled at the September 4, 2014 Council Meeting)*

**AN ORDINANCE AMENDING  
CHAPTER 292 OF THE MUNICIPAL CODE  
TO PROHIBIT PESTICIDES ON RIGHTS-OF-WAY**

This Ordinance remains on the table.

**Ordinance #2015-002:** *(Introduced and tabled at the May 7, 2015 Council Meeting)*

**AN ORDINANCE AMENDING  
CHAPTER 648 OF THE MUNICIPAL CODE  
TO LIMIT TRAFFIC TO ONE-WAY IN THE NIAGARA STREET PARKING LOT**

Lift from the table: Councilmember-at-Large Whitcomb moved to lift Ordinance 2015-002 from the table. Councilmember Ward 2 Boni seconded the motion.

*Vote Result: Carried unanimously by voice vote.*

Vote: Councilmember-at-Large Whitcomb moved to approve Ordinance 2015-002. Councilmember Ward 2 Boni seconded the motion.

Discussion: Councilmember Ward 4 Wade stated that she would be voting no on this ordinance because we have enough ordinances and has not seed a problem with this street.

*The motion CARRIED on the following vote:*

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember-at-Large Bucci, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** Councilmember Ward 4 Wade

**Ordinance #2015-003:**

Councilmember Ward 2 Boni read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING  
CHAPTER 850 OF THE MUNICIPAL CODE  
REGARDING PERMITTED COMMERCIAL USES  
IN THE BOATHOUSE ZONE DISTRICT**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

**Sec. 1** That Chapter 850, section 850-40 of the Municipal Code is hereby amended as follows (deletions stricken, additions in bold and underlined):

§ 850-48	B-H Boathouse.
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A. Permitted primary uses:

(1) Boathouses used only to provide housing for a boat and for use as necessarily appurtenant to the keeping of the boat. No boathouse may be used as a dwelling, sleeping, lodging or boarding place.

B. Permitted accessory uses:

(1) None.

C. Uses permitted with a special use permit:

(1) Boathouses adjacent to the City Pier may be used for commercial operation restricted to the following and in accordance with § 850-110, Limited commercial uses:

- a) Shops selling and packaging food and nonalcoholic beverages prepared off the premises to the general public.
- b) Small marine supply, fish and bait shops;
- c) Shops engaged in the sale and rental of small nonmotorized marine craft or small marine craft powered by electric motors with a maximum speed not exceeding 10 mph.
- d) **Boating and sailing instruction schools and charter facilities.**
- e) **Gift and souvenir shops.**
- f) **Art galleries, antique and art shops including artist supply stores.**
- g) **Instructional Studios**
- h) **Clothing, accessory, and jewelry stores.**

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

**Ordinance #2015-004:**

Councilmember Ward 1 Cutri read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING  
CHAPTER 850 OF THE MUNICIPAL CODE**

## TO AMEND THE SITE PLAN APPROVAL PROCESS AND OTHER REGULATIONS FOR PLANNED UNIT DEVELOPMENTS

BE IT ENACTED by the City Council of the City of Canandaigua that:

**Sec. 1** That chapter 850, sections 850-125 and 850-126 of the Municipal Code, are hereby amended as follows (additions in ***bold and italics***, deletions **bold and stricken**):

§ 850-125	Site plan approval process.
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A. Application for preliminary site plan approval. Application for preliminary site plan approval shall be accompanied by the following information prepared by a licensed engineer, architect and/or landscape architect:

(1) A topographic map showing contour intervals of not more than five feet of elevation shall be provided.

(2) A preliminary site plan including the following information:

(a) Title of drawing, including name and address of applicant;

(b) North point, scale and date;

(c) Boundaries of the property plotted to scale;

(d) Existing watercourses;

(e) A site plan showing location, proposed use and height of all buildings; location of all parking and truck loading areas, with access and egress drives thereto; location and proposed development of all open spaces including parks, playgrounds and open reservations; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for nonresidential uses, if any.

B. City Planning Commission ~~and County Planning Board review~~. Upon receipt of the application for preliminary site plan approval *to the City Director of Development and Planning*, the ~~City Council~~ *shall refer said application shall be referred* to the City Planning Commission for its *review and approval*. *A copy of said application shall be made to the City Council so that the City Council may issue a statement of consistency or inconsistency with the approved sketch plan. report to the City Council within 45 days of receipt of said referral. The application shall also be forwarded to the County Planning Board for review and report to the Planning Commission within 30 days.*

C. Action on preliminary site plan application.

(1) Within 90 days of the receipt of the application for preliminary site plan approval, the ~~City Council~~ *City Planning Commission* shall act on it. If no decision is made within said ninety-day period, the preliminary site plan shall be considered conditionally approved. The ~~City Council~~ *City Planning Commission* may hold a public hearing to review the proposed preliminary site plan. The ~~City Council's~~ *City Planning Commission's* action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the appropriate minutes of the ~~City Council~~ *City Planning Commission* shall be a sufficient report.

(2) The ~~City Council's~~ *City Planning Commission's* statement may include recommendations as to desirable revisions to be incorporated in the final site plan, of which conformance with shall be considered a condition of approval. Such recommendations shall be limited, however, to siting and

dimensional details within general use areas and shall not significantly alter the sketch plan as it was approved.

(3) If the preliminary site plan is disapproved, the ~~City Council's~~ *City Planning Commission's* statement shall contain the reasons for such findings. In such a case, the ~~City Council~~ *City Planning Commission* may recommend further study of the site plan and resubmission of the preliminary site plan to the ~~City Council~~ *City Planning Commission* after it has been revised or redesigned.

(4) No modification of existing stream channels, filling of lands with a moderate to high susceptibility to flooding, grading or removal of vegetation in areas with moderate to high susceptibility to erosion, or excavation for and construction of site improvements shall begin until the developer has received preliminary site plan approval. Failure to comply shall be construed as a violation of this Zoning Chapter and, where necessary, final site plan approval may require the modification or removal of site improvements.

D. Request for changes in the sketch plan. If in the site plan development it becomes apparent that certain elements of the sketch plan, as it has been approved by City Council are unfeasible and in need of significant modification, the applicant shall then present his solution to the ~~City Council~~ *City Planning Commission* as his preliminary site plan in accordance with the above procedures. The ~~City Council~~ *City Planning Commission* shall then *first* determine whether or not the modified plan is still in keeping with the intent of the zoning resolution. If a negative decision is reached, the site plan shall be considered as disapproved. The developer may then, if he wishes, produce another site plan in conformance with the approved sketch plan. If an affirmative decision is reached, the Planning Commission shall so notify City Council stating all of the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary site plan approval may then be given only with the consent of the City Council.

E. Application for final detailed site plan approval.

(1) After receiving conditional approval from the ~~City Council~~ *City Planning Commission* on a preliminary site plan, with the consent of City Council if required, and approval for all necessary permits and curb cuts from government officials, the applicant may prepare his final detailed site plan and submit it to the ~~City Council~~ *City Planning Commission* for final approval; except that if more than 12 months has elapsed between the time of the ~~City Council's report on approval of~~ the preliminary site plan and if the ~~City Council~~ *City Planning Commission* finds that conditions have changed significantly in the interim, the ~~City Council~~ *City Planning Commission* may require a submission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

(2) The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been recommended by the *City Planning Commission or* City Council at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

(a) The final site plan at a scale of 50 feet to one inch. Where more than one sheet is required to show the entire development, a key map shall be provided.

(b) The lines of existing and proposed streets and sidewalks immediately adjoining and within the PUD.

(c) The names of existing and proposed streets.

(d) Typical cross sections of proposed streets and sidewalks.

(e) Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation.

(f) Layout of proposed lots, including lot numbers and proposed numbering system for buildings.

(g) The location and size of any existing and proposed sewers (stormwater and/or sanitary), water mains, and pipes on the property or into which any connection is proposed.

(h) Provisions for water supply and sewage disposal.

(i) Locations of survey monuments.

(j) A planting plan indicating locations, varieties, and minimum sizes of trees to be planted and of existing trees to be preserved. Existing wooded areas need not be itemized, but should be generally described.

(k) Brief specifications, or reference to City standards, for all public facilities to be constructed or installed within the PUD stage.

*(l) Proposed lighting plan stating the style and number of fixtures and the proposed type of luminaries, which shall be dark-sky compliant.*

*(m) Architectural plans, including proposed materials and colors to be utilized.*

*(n) Proposed locations and sizes of any signage.*

**~~F. County Planning Board review. Upon receipt of the application for final detailed site plan approval, the City Council shall refer said application to the County Planning Board for its analysis, recommendations and report. The County Planning Board shall issue its report to the City Council within 30 days of receipt of said referral.~~**

**~~G.F.~~** Action on the final detailed site plan application.

(1) Within 60 days of the receipt of the application for final site plan approval, and after a duly advertised public hearing in accordance with law, the ~~City Council~~ *City Planning Commission* shall render a decision to the applicant. If no decision is made within the sixty-day period, the final site plan shall be considered approved.

(a) Upon ~~approval~~ *ing* of an application ~~by the City Council~~ *City Planning Commission*, ~~shall cause the City Manager~~ *Chairman of the City Planning Commission* ~~to~~ shall endorse his approval on a copy of the final site plan *and* shall forward it to the Code Enforcement Officer, who shall then issue a building permit to the applicant, if the project conforms to all other applicable requirements.

(b) Upon ~~disapproval~~ *ing*, of an application, the ~~City Council~~ *City Planning Commission* shall so inform the Code Enforcement Officer *and the City Council*. The ~~City Council~~ *City Planning Commission* shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

**H.G.** Staging. If the applicant wishes to stage his development, and he has so indicated as required, then he may submit only those stages he wishes to develop for site plan approval in accordance with his staging plan. Any plan which requires more than 24 months to be completed shall be required to be staged; and a staging plan must be developed. It is the intent of this article that individual stages of the PUD will have an integrity of use in their own right so that, if for any reason, the entire PUD would not be completed, those portions of the PUD already constructed will be an asset to the community by

themselves. Staging plans must take account of this objective, and developers proposing individual stages that deviate significantly from the overall character of the PUD should present convincing evidence that such a state is indeed in keeping with this action.

**§ 850-126 Other regulations applicable to planned developments.**

A. Regulation After *final site plan approval* ~~initial construction and occupancy~~. To regulate development and use of property after *final site plan approval* ~~initial construction and occupancy~~, any changes (including, but not limited to, use changes, area variances, site plan changes *that vary by 10% from the approved building foot print*, changes in any item ~~in the application as~~ of the approved *final site plan* and *any requested* changes to any conditions imposed pursuant to this article) must be approved by the *City Planning Commission after notification to the* City Council.

(1) It shall be noted that properties in planned unit development districts are unique and shall be so considered by the ~~City Council~~ *City Planning Commission* when evaluating these requests; and maintenance of the intent and function of the planned unit shall be of primary importance.

(2) *An application for an amendment to an approved plan shall be reviewed under the same procedures set forth in §850-125 (E)(F)(G). If in the course of such review it becomes apparent that such proposed amendments are significantly different from the approved final site plan as to be considered inconsistent, then such amendments shall not be approved.*

B. Site plan review. Site plan review under the provisions of this article shall suffice for Planning Commission review of subdivisions regulations, subject to the following conditions:

(1) The developer shall prepare sets of subdivision plats suitable for filing with the office of the Ontario County Clerk in addition to those drawings required above.

(2) The developer shall plat the entire development as a subdivision; however, PUDs being developed in stages may be platted and filed in the same stages.

(3) Final site plan approval under § **850-125G(1)** shall constitute final plat approval under the City's subdivision regulations.

(4) *The Developer shall be responsible for the cost of third-party review and inspections related to compliance with the New York State Building and Construction Codes, Fire Prevention and Safety, and Utilities. The Developer shall submit a deposit in the amount of \$10,000 to the City of Canandaigua prior to the issuance of any building permits on the final site plan. This fee will be kept in an interest-bearing account by the City of Canandaigua. As the City of Canandaigua expends monies to related to third-party review and inspections, including but not limited to consultant costs, and attorney's fees, the City of Canandaigua shall reimburse itself for all such expenditures from this account or from other monies paid by the developer. As the City reimburses itself from this account, the developer shall deposit additional monies sufficient to maintain the fund at a \$5,000 level. Interest on the account and monies in the account, when a Certificate of Occupancy is completed, shall be returned to the developer.*

(5) *A public park or recreation fee may be assessed in accordance with §802-9*

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

**Local Law:** None

**Manager's Report:** City Manager David R. Forrest gave the following report:

- City Manager David R. Forrest thanked all the staff and volunteers who worked on the half marathon special event.
- He welcomed the new Assessor, Steve Pigeon, to the City.
- Flyers for the new toters have been mailed out to all residents.
- The multiple street reconstruction contracts have been signed and are awaiting a final schedule for construction.
- The northshore project has started and a fence has been erected all along the work site.

**Miscellaneous:**

- Mayor Polimeni went around the “table” for comments from the Council. These comments included a thank you to the following:
  - BID for all the amenities downtown that were funded through donations from the public.
  - DPW for the plantings downtown and the work on the rain gardens.
  - Everyone who came out to work on “Save Your Parks Day”.
- Mayor Polimeni presented the Shared Services Award received from NYCOM to the City of Geneva.

**Regular Session:**

Councilmember Ward 4 Wade moved to adjourn the regular session at 8:27 PM. Councilmember-at-Large Whitcomb seconded the motion.

*Vote Result: Carried unanimously by voice vote*

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Nancy C. Abdallah, Clerk Treasurer  
City of Canandaigua



**APPENDIX A**  
**ENVIRONMENTAL COMMITTEE**  
**Tuesday, May 12, 2015**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** Nick Cutri, Chair **absent**, Maria Bucci, Donna Cator, Karen White,

**Other Council Members:** Jim Terwilliger, Ellen Polimeni

**Staff:** David Forrest, John Goodwin, Jim Sprague, Michele Smith

1. Special Event: Car Show in Niagara Street Parking Lot -Bob Johnson and Eric Zimmermann reviewed their application for car show on Niagara St and in parking lot. Clarified that the "entrance fee" on the application is for the cars, not the attendees. Will be blocking Niagara St. west of the Niagara to the corner, then all the way around the parking lot. Applicant will be responsible for the fencing and security.

Conditions:

- 1) no driving poles or stakes into pavement our sidewalk.
- 2) Applicant will verify age of those served alcohol and clearly identify with visible wrist bands.
- 3) Applicant will provide final detailed map showing location of entrance.
- 4) Applicant will name City as additional insured and provide certificate to city for general and liquor liability of at least 2 million each.
- 5) Applicant must obtain appropriate liquor license from NYS
- 6) Notify businesses and residents south of Niagara St.

Motion to accept as discussed made by Karen, 2nd by Donna. Vote 3-0

2. City Hall Space Allocation Study – Karen with HBT Architects - reviewed 3 options that were developed to make city hall offices more efficient.

No formal motion to proceed with design for ground floor modifications to City Hall and add community room at Hurley building (using existing conference room to satisfy other needs), but each council member gave input.

Karen could support city hall change but not Hurley addition.

Maria and Donna support exploring costs for both proposals. Hurley definitely needs upgrade.

Jim supports continued action to move forward and get more information.

Ellen supports both proposals, including moving Council Chambers back to Hurley.

3. Lawn Care Discussion

- a. Russ Welser, Cornell Cooperative Extension believes the City has one of the best turf management plans in the State.
- b. ~~Don Prem, Tru Green~~ did not appear
- c. ~~Dave Booth, Perennial Lawn and Landscape~~ did not appear
- d. Carl Haefner, Maplewood Garden Crafters - not familiar with City's current plan or proposed ordinance change but willing to be a resource.

Maria clarified that current proposed ordinance, which prohibits pesticide only in the right of way, would not impact City's policy.

Carl, who does both organic and standard lawn care, believes it would be difficult to implement ordinance if the R-o-W is not clearly discernible all over. Property lines would need to be marked and then the result between the properties would be different. His company is small and lawn care is just 5-10% of his business. He only supplies treatment as needed, including spot treatment of weeds. Ordinance would have a greater impact on the larger companies, that provide the service regularly.

Russ reiterated importance of establishing healthy turf initially and then managing with appropriate fertilizers, at least 1 or 2 times per year. Problem with organics is the high level of phosphorus and nitrates. Also questioned how proposed ordinance can be enforced ? Maria responded that it is more educational initiative.

Russ believes should be based on sound science and not emotions.

He doesn't foresee any major changes to lawn care treatment in the future. Grass seeds are becoming more resilient and resistant to disease.

4. Sonnenberg Park Skating Rink – Condition Report - tabled
5. Kershaw Park Trash Disposal - Maria raised concern that when she walked the park on a Sunday, the garbage cans were full and trash left all over in the pavilions and play grounds. Mixed message of carry in, carry out policy when we place a few containers there.

Jim Sprague indicated that summer help just started this past weekend so parks dept. will now run 7 days per week through the summer. Grounds crew has strategically placed the barrels to minimize the ground litter in those spots.

DPW will monitor but no change proposed at this time.

Meeting adjourned at 9:00 PM

**APPENDIX B**  
**CITY COUNCIL COMMITTEE OF THE WHOLE**  
**PLANNED UNIT DEVELOPMENT REVIEW COMMITTEE**  
**Thursday, May 21, 2015**  
**7:00 P.M.**  
**Hurley Building**

**Committee:** Chairman David Whitcomb, Ellen Polimeni, Mayor, Nick Cutri, Ian Boni, Cindy Wade, Karen White, Maria Bucci, James Terwilliger, Donna Cator

**Staff:** David Forrest, John Goodwin, James Sprague, Michele Smith

1. **Northshore Development; Review of Building A Proposed Use** -Jerry Goldman, David Hanlon, Kevin Morgan, Jess Sudal, Josh Miles (Micro,-brew owner), John Murbine.  
Jerry provided summary of proposed use of building A as a micro-brew and restaurant.  
David Hanlon compared the architectural perspectives of what is approved vs. proposed changes.  
Jess Sudol reviewed the parking numbers. Different uses require different parking slots. After doing analysis determined that net number of spots being provided are more than sufficient (without considering land bank or hess lot).  
General discussion regarding silo and dumpster placement.

Motion to approve changes as proposed, including use as restaurant and micro brew made by Ellen, 2nd by Karen. Vote 9-0.

Meeting adjourned at 7:35 PM

**APPENDIX C**  
**ORDINANCE COMMITTEE**  
**Tuesday, May 19, 2015**  
**7:00 p.m.**  
**Hurley Building**

**Committee:** David Whitcomb, Chair, Maria Bucci, Jim Terwilliger, Ian Boni (Absent)

**Other Councilmembers:** Mayor Ellen Polimeni, Karen White, Nick Cutri, Donna Cator, Cindy Wade

**Staff:** Michele Smith, Rick Brown

**1. City Pier: Request for Text Amendment to Zoning Ordinance**

Michele Smith provided summary of issue with respect to use of boat houses adjacent to city pier. Rick Brown described process for text amendment- if Council supports then staff will provide proposed language. Colleen Schreiner described the type of use that she is looking for the building -art gallery/ studio, with small gift shop, and non-alcoholic drinks. Only intend to operate seasonally. Jadon confirmed that he had been operating a "gift shop" for the last 10 years. There is no running water in the boat house. Maria questioned the appeal process to the Zoning Board vs. coming to Council. Has concerns with lack of bathroom on premise. City pier had bathroom facilities. Jim Terwilliger moved to have staff recommend and draft language for June Council meeting under this discussion. 2nd by Maria. Vote 3-0. Will also require referral to County Planning and public hearing.

**2. Chamber, ZBA and Planning Commission Perspective on City Zoning Ordinance - Rick Brown** provided summary of Planning Commission, which supports the staff recommendations. ZBA meets tomorrow. Tom Lyons agrees with PC to develop design guidelines and standards. Also still would encourage allowing restaurants in BID as primary use and develop standards to deal with posting and solid waste issues. City may revisit possible non-retail uses in the future after Chamber and staff have opportunity to review and make recommendations. No action at this time

**3. Revised PUD Ordinance -Michele** summarized and reviewed the proposed changes. Motion by Jim to recommend to City Council. 2nd by Maria. Vote 3-0. Will also require referral to County Planning and public hearing.

**4. Potential North Pearl and West Gibson Street Crossing Guard Station -Chief Welch** reviewed request. An officer observed the location several times but only the person requesting the crossing guard used that location. Also gave summary of all crossing counts at all the other locations. No action at this time.

**5. Revised Gibson Street Ordinance - table** to allow Michele to request clarification of intent from DOT.

Meeting adjourned at 8:45 PM

**APPENDIX D  
FINANCE COMMITTEE**

**Thursday, May 28, 2015**

**7:00 p.m.**

**Hurley Building Conference Room**

**Committee:** James Terwilliger, Chairman; Cindy Wade; Karen White; Donna Cator

**Other Council members:** Ellen Polimeni,

**Staff:** David Forrest, John Goodwin, Nancy Abdallah, James Sprague, Michele Smith

- 1. Tower 281 Cable Replacement-** need \$4,041.74 change order to refurb being done by Colden. Preventive Maintenance Inspection Company had given quote of \$9,000. Money would come from capital reserve. Motion made by Cindy, 2nd by Donna. Vote 4-0.
- 2. 2015 Street and Sidewalk Maintenance and Repairs - FYI.** Jim Sprague reviewed project schedule and costs. On West Ave repair will look to see if project starts where the previous project stopped. All money has already been budgeted and allocated.
- 3. Extended-Hour Pier Parking Permits-** Michele Smith reviewed temporary permit policy for the Pier to be used again this summer, with intent to implement ordinance change for permanent policy for next year. Motion by Karen, 2nd by Cindy. vote 4-0
- 4. CMA Small Cell Tower Proposal-** Dave Forrest and John Goodwin reviewed. Staff feels that there is no pressing need; can wait and see how it plays out in the other communities. Also, great chance that when the need arises the telecommunications company will contact us directly. Emerging technology that City will keep on the pending list.
- 5. Fund Balance Report -** Nancy Abdallah reviewed all of the adjustments that have been made to the adopted budget so far this year.  
Committee wants to review planned capital reserve expenditures for this year to determine if certain projects should still proceed.
- 6. Overtime Report-**Nancy Abdallah reviewed with Committee. Dept.Heads are given copy of report for their use and planning information.

Meeting adjourn at 7:53 PM

**APPENDIX E**  
**PLANNING COMMITTEE**  
**Tuesday, June 2, 2015**  
**7:00 p.m.**  
**Hurley Building**

**Committee members:** Cindy Wade, Chair; Nick Cutri; Ian Boni; David Whitcomb

**Other Councilmembers:** Mayor Ellen Polimeni; Jim Terwilliger; Maria Bucci; Donna Cator

**Staff Present:** David Forrest; John D. Goodwin;

**1. Downtown Banners and Other Amenities**

- a. Denise Chaapel and Sal Pietropaolo presented the banners that the BID purchased to install downtown. There are four designs that all feature the City's new logo in some fashion.
  - i. Along with the banners new large flower pots have been purchased with the goal of creating a "gateway" for the downtown.
- b. The BID has purchased benches, garbage and recycling containers and tables for downtown amenities.
  - i. DPW assisted in assembly and installation of the new amenities. All of the benches and garbage/recycling containers are downtown. The tables will be installed after the work on Dick Anthony's is completed and The Commons can become a useable public space again.
- c. The BID is also working on completing educational signs for the rain gardens and a donor plaque.

The Committee made no official action, but expressed its appreciation for the work that the BID was doing to beautify the downtown.

**2. Canandaigua Area Soccer League – Special Event**

- a. Christine Cobos, President of CASL, presented a special event application.
  - i. The event date is June 15, 2015 and will involve a ceremony to honor local veterans and a small soccer equipment shop.
  - ii. David Whitcomb made a motion to approve the event and recommend it to the full City Council, motion seconded by Nick Cutri. Committee voted in favor.

**Meeting adjourned at 7:25 PM.**